

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Christine Carlucci and Gerard Carlucci

For: Medical Tubing Securing Device

Serial No.: 09/930,398

Filed: August 15, 2001

Group: 3761

Examiner: Erez, Darwin P.

Atty Docket: 262.801

Response to Notification of Non-Compliant Appeal Brief

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

In connection with the Notification of Non-Compliant Appeal Brief, mailed April 3, 2007 in this case, applicants respond to the numbered paragraphs therein as follows:

¶¶ 1 & 9 Related Proceedings Appendix. The Patent Appeal Center Specialist stated that the Brief does not contain the required headings under 37 CFR 41.37 in that “[r]elated proceedings appendix is required and missing, if there is no appendix then heading is required with a statement [*sic*] of None or Not Applicable.”

Applicants respectfully submit that the rules confer no such requirement on appellant. As provided in 37 CFR § 41.37(c)(1), an appeal “brief *shall* contain the following items under appropriate headings . . . (ii) Related appeals and interferences. A statement identifying by application, patent, appeal or interference number *all other prior . . . appeals . . . known to applicant . . . which may be related to . . .* the Board’s decision in the pending appeal. Copies of any decisions rendered by a court or the Board in any proceeding identified under this paragraph must be included in an appendix.” [emphasis supplied].

This mandatory statement was included in appellants’ original brief.